

## REMARKS

Claims 1-18 are pending in the application. Applicants have amended claims 1 and 10. Applicants respectfully request reconsideration of the application.

**35 U.S.C. § 102 (b)**

The Examiner rejected claims 1-18 under 35 U.S.C. § 102(b) as being anticipated by Gonno (EP Patent No. 000876023; 4 Nov. 1998). For anticipation under 35 U.S.C. 102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. (MPEP 706.02.)

In the office action mailed June 22, 2004, the Examiner states “[A]s per claims 1 and 10, Gonno discloses an equivalent means for providing frame re-transmission in a broadcast communication system comprising; a receiver (col. 4 line 9 and col. 5 lines 9-10) for receiving a message indicative of a frame received in error by a wireless communication device, said message indicative of a frame received in error by a wireless communication device, said message including an identification of said frame; a memory (col. 4 line 27); (*e.g., if an error is detected at the receiver, a NAK or repeat request is issued therefrom to the transmitter so that the frame marked as errored is to be retransmitted, said receiver/transmitter having storage means to hold/process such request.*) for storing a predetermined number for determining when to re-transmit said frame; and a processor (col. 4 line 11) for determining a cumulative number of times that said frame was received in error and for ordering a re-transmission of said frame if said cumulative number of times is greater than said predetermined number (*e.g., if predetermined is zero, there is no frame retransmission, otherwise, the frame is retransmitted.*)”

However, claims 1-18, as amended, are not anticipated by Gonno for the reasons provided below.

Claims 1 and 10 are amended to include the limitation of identifying the wireless communication device. Amended claims 1 and 10 include the limitation of identifying the wireless communication device and using the number of wireless communication devices requesting retransmissions to determine if retransmission is necessary. Nowhere in Gonno is identification of the wireless communication device taught or suggested, nor is using the number

of wireless communication devices to determine if retransmission is necessary. While Gonno teaches totaling means which can total the retransmissions from one or more receivers, Gonno does not teach identifying the one or more receivers requesting retransmission. That is as one or more receiver's request retransmission the total number of retransmissions increases over the number of retransmission requests from only one or a few receivers requesting retransmission. Gonno only teaches totaling the request for retransmissions whether they come from one receiver or more than one receiver. Thus, Gonno does not teach each and every limitation explicitly or impliedly. Therefore, claims 1 and 10, as amended, are not anticipated by Gonno. Since claims 2-9 depend on claim 1 it follows they are also not anticipated by Gonno, and since claims 11-18 depend on claim 10 it follows they are also not anticipated by Gonno.

For the reasons provided above, Examiners allowance of claims 1-18 is appreciated.

### REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application is earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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